

AMENDED IN SENATE AUGUST 18, 2000

AMENDED IN SENATE AUGUST 7, 2000

AMENDED IN SENATE JUNE 20, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2429

Introduced by Assembly Member Wildman

February 24, 2000

An act to amend, repeal, and add Section 41841.6 of the Education Code, relating to education of prisoners, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2429, as amended, Wildman. Education of prisoners.

Existing law sets forth a formula for the calculation of average daily attendance for schools or classes for adults in correctional facilities, and provides that a school district or county board of education may not claim or report any increase in average daily attendance in excess of the authorized limit of adult education average daily attendance unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

This bill would instead provide, for the 2000–01 fiscal year, that a school district or county board of education may not claim or report any increase in average daily attendance generated in the 2000–01 fiscal year for schools or classes for adults in correctional facilities in excess of the average daily attendance claimed and authorized during the previous fiscal

year multiplied by ~~1.14~~ *a factor of 1.025 to 1.14, as specified.* The bill would also provide commencing with the 2001–02 fiscal year, that a school district or county board of education may not claim or report any increase in average daily attendance for schools or classes for adults in correctional facilities in excess of the average daily attendance authorized during the previous fiscal year multiplied by 1.025 unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41841.6 of the Education Code is
2 amended to read:

3 41841.6. (a) Except as otherwise provided in
4 subdivision (b) of Section 46191, commencing with the
5 1994–95 fiscal year, and for each fiscal year thereafter, for
6 purposes of Sections 1909 and 41841.5, the calculation of
7 the average daily attendance for schools or classes for
8 adults in correctional facilities is subject to the following
9 condition: A school district or county board of education
10 shall not claim or report any increase in average daily
11 attendance in excess of the percentage authorized by
12 subdivision (c) of Section 52616.17, unless the Legislature
13 approves the increase for that fiscal year in the annual
14 Budget Act.

15 (b) No state funds shall be allocated to a school district
16 or county board of education for units of average daily
17 attendance that have not been approved by the
18 Legislature pursuant to subdivision (a).

19 (c) This section shall become inoperative on July 1,
20 2000, and as of January 1, 2001, is repealed, unless a later
21 enacted statute, that becomes effective on or before
22 January 1, 2001, deletes or extends the dates on which it
23 becomes inoperative and is repealed.

SEC. 2. Section 41841.6 is added to the Education Code, to read:

41841.6. (a) Except as otherwise provided in subdivision (b) of Section 46191, for the 2000–01 fiscal year for purposes of Sections 1909 and 41841.5, in calculating the average daily attendance for schools or classes for adults in correctional facilities, a school district or county board of education may not claim or report any increase in average daily attendance in excess of the average daily attendance claimed and authorized pursuant to this article during the previous fiscal year multiplied by ~~1.14~~ a factor of 1.025 to 1.14, as specified as follows:

(1) A school district or county office of education that has not experienced a loss of average daily attendance due to extenuating circumstances may not claim or report an increase in average daily attendance in excess of that authorized pursuant to this article during the previous fiscal year multiplied by 1.025.

(2) A school district that experienced a loss of units of average daily attendance due to extenuating circumstances may not claim or report an increase in average daily attendance in excess of that authorized pursuant to this article during the previous fiscal year multiplied by a factor equivalent to the number derived by adding 1.025 to the extenuating circumstances factor, as defined pursuant to paragraph (3).

(3) For purposes of this section, “a school district or county office of education that experienced a loss of average daily attendance due to extenuating circumstances” means a school district or county office of education that experienced a loss of average daily attendance as a result of the temporary or permanent closure of jails, a jail, or a unit thereof, that occurred on or after June 30, 1993, at which the district or office provided jail education programs that were subject to reimbursement by the state.

(4) For purposes of paragraph (2), “extenuating circumstances factor” means that number derived by dividing the number of units of average daily attendance

1 *lost to circumstances defined in paragraph (3) divided by*
2 *the number of units of average daily attendance claimed*
3 *in the fiscal year prior to the extenuating circumstances*
4 *occurring, provided that the factor does not exceed .115.*

5 (5) Any school district or county office of education
6 claiming additional average daily attendance pursuant to
7 the “extenuating circumstances factor” defined in
8 paragraph (4) shall document the extenuating
9 circumstances and the data involved in calculating their
10 extenuating circumstances factor. This subdivision shall
11 apply only to average daily attendance generated in the
12 2000–01 fiscal year.

13 (b) Except as otherwise provided in subdivision (b) of
14 Section 46191, commencing with the 2001-02 fiscal year,
15 and for each fiscal year thereafter, for purposes of
16 Sections 1909 and 41841.5, in calculating the average daily
17 attendance for schools or classes for adults in correctional
18 facilities, a school district or county board of education
19 may not claim or report any increase in average daily
20 attendance in excess of the average daily attendance
21 authorized pursuant to this article during the previous
22 fiscal year multiplied by 1.025, unless the Legislature
23 approves a greater increase for that fiscal year in the
24 annual Budget Act.

25 (c) No state funds shall be allocated to a school district
26 or county board of education for units of average daily
27 attendance that have not been approved by the
28 Legislature pursuant to subdivision (a) or (b).

29 (d) This section shall become operative on July 1, 2000.

30 SEC. 3. This act is an urgency statute necessary for the
31 immediate preservation of the public peace, health, or
32 safety within the meaning of Article IV of the
33 Constitution and shall go into immediate effect. The facts
34 constituting the necessity are:

35 In order to ensure that adults in correctional facilities
36 are able to receive an education following temporary
37 closures of those facilities, it is necessary that this act take
38 effect immediately.

O